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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>December 26, 2005</u></p> <p>Signature <u>[Signature]</u></p> <p>Typed or printed name <u>Mitchell S. Rosenfeld</u></p>		Application Number	Filed
		<u>10/011,023</u>	<u>Nov. 2, 2001</u>
		First Named Inventor	
		<u>Scallie</u>	
Art Unit		Examiner	
<u>3713</u>		<u>Jones, Scott E.</u>	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p>			
<p>This request is being filed with a notice of appeal.</p>			
<p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. <u>36,258</u></p> <p>Registration number <u>36,258</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.</p> <p>Registration number if acting under 37 CFR 1.34 _____</p>			
		<p><u>[Signature]</u> Signature <u>Mitchell S. Rosenfeld</u> Typed or printed name <u>415/928-3853</u> Telephone number <u>Dec 26, 2005</u> Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>			
<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. AC-002-US

CERTIFICATE OF MAILING:

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Signature: //Mitchell S. Rosenfeld//
Mitchell S. Rosenfeld, Reg. No. 36,258

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: LAURENT SCALLIE

APPLICATION No.: 10/011,023

FILED: NOVEMBER 2, 2001

FOR: MISSION CONTROL FOR GAME PLAYING
SATELLITES ON NETWORK

EXAMINER: JONES, SCOTT E.

ART UNIT: 3713

PRE-APPEAL BRIEF REVIEW REQUEST ARGUMENTS

Dear Sir:

Claims 16-25 are currently pending, all of which have been rejected. In particular, claims 16 and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by Wain (US 4,335,809); claims 18, 19, 22, 24 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wain in view of Ehrman (US 5,984,786); claims 17 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wain in view of Acres (US 6,431,983); and claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wain in view of Acres and further in view of Ehrman.

In response to the Office Action June 14, 2004, which contains the same rejections as the present Final Office Action dated July 27, 2005, the Applicant filed a Response dated December 14, 2004 (hereinafter the "Response"). In deeming unpersuasive the arguments raised by the Applicant in the Response, the Examiner misapplies the limited teachings of Wain. As explained in detail in the Response, the main control device 3 of Wain simply downloads software for different games into the RAM device 18 of entertainment machines 1. (See, e.g., col. 6, lines 31-50). Regardless of how broad the Examiner attempts to interpret the meaning of "generic game start," it is legally impermissible to interpret "generic game start" to include

downloading software for different games.

Moreover, the Examiner now claims that the “generic start” is satisfied by “insertion of one or more coins or tokens into a coin mechanism of the machine.” (See, Final Office Action at §11) This is in clear contradiction to claim 16, which recites “issuing a generic game start signal from the mission control computer to a satellite computer.” Aside from not being a “generic start signal,” the coin mechanism of Wain is part of the game machine NOT main control device 3 (See, Wain at figure 1).

The same is true with respect to the “game-specific start signal” for which the Examiner claims is taught in Wain by the act of pulling a lever on a slot machine. (See, Final Office Action at §11) Claim 16 recites “storing in each game-specific command set of a satellite computer at least a game-specific start signal.” Assuming *arguendo* that the pulling of a lever on a slot machine is a “game-specific start signal” (which it is not), the pulling of the lever is a mechanical act initiated by a game player, NOT something stored in each game specific command set.

Turning to the distinction between “generic start” and “specific start,” the Examiner points to insertion of coins or tokens (generic start) and pulling the slot machine handle (specific start). These mechanical actions by the game player do not teach the recited language in claim 16:

issuing a generic game start signal from the mission control computer to a satellite computer which is indexed to the game-specific start signal of the game-specific command set for a respective game program on the satellite computer in order to cause the game-specific start signal of the game-specific command set to be issued by the satellite computer for starting the game program.

Substituting the mechanical actions cited by the Examiner demonstrate the vast difference between the limited teachings of Wain and the recited invention:

issuing a [coin insertion] signal from the mission control computer to a satellite computer which is indexed to the [handle pull] signal of the game-specific command set for a respective game program on the satellite computer in order to cause the [handle pull] signal of the game-specific command set to be issued by the satellite computer for starting the game program.